

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

UNITED STATES OF AMERICA

VS.

NO. 4:04-CR-00169-WRW

**GARY WAYNE GODLEY (02)
LEANNA GODLEY (03)**

ORDER

Pending is Defendant Gary Godley's Motion to Suppress (Doc. No. 201), which Defendant Leanna Godley joined at a hearing held on September 15, 2005.

Following the September 15, 2005 hearing, I issued a Letter-Order with several follow-up questions for the Prosecution.¹ The Prosecution responded and Defendants replied.² On October 25, 2005, I sent a second letter regarding my concerns about the facts and issues in the case. To address my concerns, a second hearing was held today.

Based on the findings of fact and conclusions of law made in both the September 15, 2005 and October 27, 2005 hearings, I rule as follows:

1. Any statements made by Mr. Godley after he was in Mr. Stafford's vehicle, and was given his *Miranda* rights may not be used by the Prosecution in the case-in-chief. Statements to Mr. Stafford made before these two events are admissible.
2. The search and seizure of the vehicle was constitutional and any evidence obtained during this search is admissible.

Accordingly, the Motion to Suppress is GRANTED IN PART and DENIED IN PART.

IT IS SO ORDERED this 27th day of October, 2005.

/s/ Wm. R. Wilson, Jr.
UNITED STATES DISTRICT JUDGE

¹Doc. No. 410.

²Doc. Nos. 425, 461.